

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF MISSOURI  
WESTERN DIVISION**

UNITED STATES OF AMERICA,                  )  
    )  
    )  
Plaintiff,                                    )  
    )  
    )      Case No. 21-00115-01-CR-W-HFS  
v.    )  
    )  
WENDELL TIALLO CLEMONS,                    )  
    )  
    )  
Defendant.                                    )

**MEMORANDUM OF MATTERS DISCUSSED AND  
ACTION TAKEN AT PRETRIAL CONFERENCE**

**PENDING CHARGE:** On May 20, 2021, the Grand Jury returned a two-count Indictment charging Defendant Wendell Tiallo Clemons with forcibly resisting a federal law enforcement officer (Count One) and being a felon in possession of a firearm (Count Two).

The following matters were discussed and action taken during the pretrial conference:

**TRIAL COUNSEL:**

Government: Joseph M. Marquez and Stephanie Bradshaw  
Case Agent: Lieutenant Gary Cross, VA Police Department  
Defense: Melanie Susan Morgan and Kylie Mank

**OUTSTANDING MOTIONS:**

11/13/2023	<a href="#">view141</a>	(Ex Parte) EX PARTE MOTION for Expert Funds by Wendell Tiallo Clemons. Suggestions in opposition/response due by 11/27/2023 unless otherwise directed by the court. (Morgan, Melanie) (Entered: 11/13/2023)
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**TRIAL WITNESSES:**

Government: 5-6 with stipulations; 6-7 without stipulations  
Defendant: 3 witnesses, including the Defendant

**TRIAL EXHIBITS:**

Government: approximately 23 exhibits  
Defendant: approximately 20 exhibits

**DEFENSES:** General denial

**POSSIBLE DISPOSITION:**

(X) Definitely for trial; ( ) Possibly for trial; ( ) Likely a plea will be worked out

**TRIAL TIME: 2 days total**

Government's case including jury selection: 1½ day(s)

Defendant: ½ day(s)

**STIPULATIONS:** The parties are discussing stipulations as to interstate nexus and prior convictions, but nothing has been finalized at this point.

**UNUSUAL QUESTIONS OF LAW:** None

**FILING DEADLINES:**

**Witness and Exhibit List**

Government: Proposed Witness and Exhibits Lists filed 12/27/22. **Updated list(s) due on or before November 21, 2023.**

Defendant: None filed. **Due on or before November 21, 2023.**

**Counsel are requested to list witnesses in alphabetical order on their witness list.**

**Exhibit Index, if required by the District Court, Voir Dire, Jury Instructions: Due on or before November 29, 2023.**

**Please Note:** Jury instructions must comply with Local Rule 51.1

**Motion in Limine: Due on or before November 29, 2023.**

**TRIAL SETTING:** Criminal jury trial docket set for December 4, 2023.

**Please note:** Both the Government and Defense counsel request the first week of the docket due to witness availability (Lieutenant Cross will be in army training the second week of the docket) and defense counsel has prior commitments the second week.

**IT IS SO ORDERED.**

*/s/ Lajuana M. Counts*

LAJUANA M. COUNTS

UNITED STATES MAGISTRATE JUDGE